

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GLENN JOHNSON,

Plaintiff,

-against-

CITY OF NEW YORK, et al.,

Defendants.

1:23-CV-5279 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated July 24, 2023, and entered on July 25, 2023, the Court dismissed this *pro se* action, in which Plaintiff had been granted *in forma pauperis* (“IFP”) status as a prisoner, without prejudice as duplicative of another action pending in this court. (ECF 5.) In that same order, the Court directed the Clerk of Court not to charge Plaintiff the \$350.00 filing fee for this action, and directed the Warden of the Vernon C. Bain Center (“VCBC”), where Plaintiff was then held, not to deduct or encumber funds from Plaintiff’s prison trust fund account for this action. (*Id.*) While the order instructed the Clerk of Court to mail copies of that order to both Plaintiff and to the VCBC Warden, a copy of that order was not mailed to the VCBC Warden. On August 31, 2023, the Court received \$23.30 from Plaintiff’s prison trust fund account, in partial payment of the filing fee.

Because the Court previously ordered that the filing fee not be collected for this duplicative action, the Court directs the Clerk of Court to refund to Plaintiff the \$23.30 paid to the court for this action. The Court also directs the Clerk of Court to mail copies of the Court’s July 24, 2023 order (ECF 5) and of this order to Plaintiff and to the Superintendent of the Clinton Correctional Facility, where Plaintiff is currently incarcerated. The Court further instructs the Clerk of Court not to collect any funds in payment of the filing fee to bring this action in this court.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: May 13, 2024
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge